

1 SCHIFFRIN BARROWAY  
2 TOPAZ & KESSLER, LLP  
3 Alan R. Plutzik, Of Counsel (Bar No. 077785)  
Nichole Browning (Bar No. 251937)  
2125 Oak Grove Road, Suite 120  
Walnut Creek, California 94598  
4 Telephone: (925) 945-0770  
Fax: (925) 945-8792

5 -and-

6 ERIC L. ZAGAR (Bar No. 250519)  
TARA P. KAO  
7 ezagar@sbtklaw.com  
tkao@sbtklaw.com  
8 280 King of Prussia Road  
Radnor, PA 19087  
9 Telephone: (610) 667-7706  
Facsimile: (610) 667-7056

10 Attorneys for Plaintiff

12  
13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN JOSE DIVISION**

16 PATRICK McWEENY, derivatively on behalf  
of ATMEL CORPORATION,

Case No. CV 08-01031-JF

17 Plaintiff,

18 v.

19 GEORGE PERLEGOS, GUST PERLEGOS,  
T. PETER THOMAS, CHAIHO KIM, PIERRE  
20 FOUGERE, NORMAN T. HALL, TSUNG-  
CHING WU, KRIS CHELLAM, JACK  
21 PECKHAM, DONALD COLVIN, MIKES N.  
SISOIS, B. JEFFREY KATZ, FRANCIS  
22 BARTON, GRAHAM TURNER, BERNARD  
PRUNIAUX, STEVEN SCHUMANN, and  
23 MIKE ROSS,

**NOTICE OF WAIVER OF SERVICE  
OF SUMMONS ON DEFENDANTS  
MIKE ROSS, GEORGE PERLEGOS  
AND GUST PERLEGOS**

24 Defendants,

25 and

26 ATMEL CORPORATION,

27 Nominal Defendant.

28 NOTICE OF WAIVER OF SERVICE OF SUMMONS ON DEFENDANTS MIKE ROSS, GEORGE PERLEGOS  
AND GUST PERLEGOS

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2  
3 Please take notice that the defendants in this action, Mike Ross, George Perlegos and Gust Perlegos  
4 have waived service of summons. The waivers are attached hereto as Exhibits A and B.

5 DATED: June 5, 2008

6 SCHIFFRIN BARROWAY  
7 TOPAZ & KESSLER, LLP

8 /s/  
9 Alan R. Plutzik, Of Counsel (Bar No. 077785)  
10 Nichole Browning (Bar No. 251937)  
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13 Eric L. Zagar (Bar No. 250519)  
14 Tara P. Kao  
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Radnor, PA 19087  
Telephone: 610/667-7706  
Facsimile: 610/667-7056

16 *Counsel for Plaintiff*

**exhibit A**

1 SCHIFFRIN BARROWAY  
2 TOPAZ & KESSLER LLP  
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4 Nichole Browning (Bar No. 251937)  
5 aplutzik@sbtklaw.com  
6 nbrowning@sbtklaw.com  
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11 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

16 PATRICK McWEENY, derivatively on behalf of  
ATMEL CORPORATION,

Master File No. CV 08-01031-JF

## DERIVATIVE ACTION

## WAIVER OF SERVICE OF SUMMONS

17 Plaintiff,

V.

10  2000-01-01

19 GEORGE PERLEGOS, GUST PERLEGOS,  
20 T. PETER THOMAS, CHAIHO KIM, PIERRE  
FOUGERE, NORMAN T. HALL, TSUNG-  
21 CHING WU, KRIS CHELLAM, JACK  
PECKHAM, DONALD COLVIN, MIKES N.  
22 SISOIS, B. JEFFREY KATZ, FRANCIS  
BARTON, GRAHAM TURNER, BERNARD  
23 PRUNIAUX, STEVEN SCHUMANN, and MIKE  
ROSS,

Assigned to Judge Jeremy Fogel  
Courtroom 3, 5th Floor

ATMEL CORPORATION,  
Nominal Defendant.

1 I acknowledge receipt of your request that I waive service of a summons on behalf of  
2 George Perlegos and Gust Perlegos in the action of *Patrick McWeeny v. George Perlegos, et al.*,  
3 which is case number 08-cv-1031 in the United States District Court for the Northern District of  
4 California. I have received a copy of the Complaint in the action and this Waiver *via* electronic  
5 mail, and a means by which I can return the signed waiver to you without cost to me.

6 I agree to save the cost of service of a Summons and an additional copy of the Complaint in  
7 this lawsuit by not requiring that the entities on whose behalf I am acting be served with judicial  
8 process in the manner provided by Rule 4.

9 The entities on whose behalf I am acting will retain all defenses or objections to the lawsuit  
10 or to the jurisdiction or venue of the court except for objections based on a defect in the summons  
11 or in the service of the summons.

12 I understand that a judgment may be entered against the party on whose behalf I am acting  
13 if an answer or motion under Rule 12 is not served upon you within 60 days after May 15, 2008, or  
14 within 90 days after that date if the request was sent outside the United States. *22*

15  
16 Dated: May 15, 2008 *22*

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20 FARELLA BRAUN + MARTELL LLP  
21 John L. Cooper  
Robert C. Holtzapple  
Jessica Karen Nall  
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27  
28

Attorneys for George Perlegos and  
Gust Perlegos

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant who, after being notified of an action and asked to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons has been actually served when the request for waiver of service was received.

**exhibit B**

1 SCHIFFRIN BARROWAY  
2 TOPAZ & KESSLER LLP  
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11 Attorneys for Plaintiff

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13 **UNITED STATES DISTRICT COURT**  
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15 **SAN JOSE DIVISION**

16 PATRICK McWEENY, derivatively on behalf of  
17 ATTEL CORPORATION,

Master File No. CV 08-01031-JF

DERIVATIVE ACTION

**WAIVER OF SERVICE OF SUMMONS**

Assigned to Judge Jeremy Fogel  
Courtroom 3, 5th Floor

18 Plaintiff,  
19 v.  
20 GEORGE PERLEGOS, GUST PERLEGOS,  
T. PETER THOMAS, CHAIHO KIM, PIERRE  
FOUGERE, NORMAN T. HALL, TSUNG-  
CHING WU, KRIS CHELLAM, JACK  
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SISOIS, B. JEFFREY KATZ, FRANCIS  
BARTON, GRAHAM TURNER, BERNARD  
PRUNIAUX, STEVEN SCHUMANN, and MIKE  
ROSS,

25 Defendants,

26 and

27 ATTEL CORPORATION,

28 Nominal Defendant.

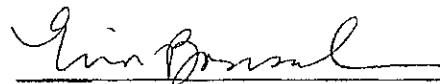
1 I acknowledge receipt of your request that I waive service of a summons on behalf of Mike  
 2 Ross in the action of *Patrick McWeeny v. George Perlegos, et al.*, No. 08-cv-1031, filed with the  
 3 United States District Court for the Northern District of California. I have received a copy of the  
 4 Complaint in the action, two copies of this Waiver, and a means by which I can return the signed  
 5 waiver to you without cost to me.

6 I agree to save the cost of service of a Summons and an additional copy of the Complaint  
 7 in this lawsuit by not requiring that the entities on whose behalf I am acting be served with judicial  
 8 process in the manner provided by Rule 4.

9 The entities on whose behalf I am acting will retain all defenses or objections to the lawsuit  
 10 or to the jurisdiction or venue of the court except for objections based on a defect in the summons  
 11 or in the service of the summons.

12 I understand that a judgment may be entered against the party on whose behalf I am acting  
 13 if an answer or motion under Rule 12 is not served upon you within 60 days after May 2, 2008, or  
 14 within 90 days after that date if the request was sent outside the United States.

15  
 16 Dated: May 2, 2008  
 17  
 18

  
 19 \_\_\_\_\_  
 20 Erin Bansal  
 Attorney for Mike Ross

21  
 22 Duty to Avoid Unnecessary Costs of Service of Summons

23 Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving  
 24 unnecessary costs of service of the summons and complaint. A defendant who, after being notified  
 25 of an action and asked to waive service of a summons, fails to do so will be required to bear the  
 26 cost of such service unless good cause be shown for its failure to sign and return the waiver.

27 It is not good cause for a failure to waive service that a party believes that the complaint is  
 28 unfounded, or that the action has been brought in an improper place or in a court that lacks  
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7 more time to answer than if the summons has been actually served when the request for waiver of  
8 service was received

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